

Application No. 10/517,509
Paper Dated: November 15, 2007
In Reply to USPTO Correspondence of October 15, 2007
Attorney Docket No. 0470-045922

REMARKS

Claims 17-32 are pending in this application. Claims 17-20, 24, and 28-31 have been amended herewith. Claims 17-32 are subject to a restriction requirement. Essentially, the Examiner asserts that five distinct inventions are being claimed in the present application. The Examiner has grouped these inventions as follows:

Group I, including claims 17-27, drawn to a cosmetic method of treating human skin by applying to the skin a composition containing an estrogenic component and a cosmetically acceptable vehicle;

Group II, including claim 28, drawn to a method of treating or preventing vaginal dryness by applying a composition containing an estrogenic component and a cosmetically acceptable vehicle to the vaginal epithelium;

Group III, including claim 29, drawn to a method of promoting wound healing by applying a composition containing an estrogenic component and a cosmetically acceptable vehicle to the wounded tissue or to tissue in the vicinity of the wound;

Group IV, including claim 30, drawn to a method of treating or preventing acne by applying a composition containing an estrogenic component and a cosmetically acceptable vehicle to the skin that is affected by acne or that is at risk of being affected by acne; and

Group V, including claims 31-32, drawn to a skin care composition for topical administration containing an estrogenic component and a cosmetically acceptable vehicle.

Independent claim 17 from Group I, independent claim 28 from Group II, independent claim 29 from Group III, and independent claim 30 from Group IV have been amended herewith to embrace the limitations of the independent composition/product of claim 31 of Group V. As such, Applicants respectfully traverse the restriction of Groups I - V on the grounds that

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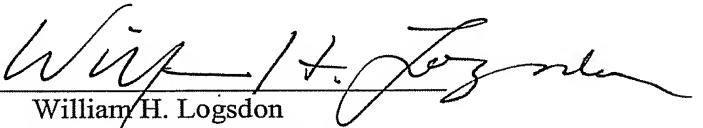
Applicants believe a search of the composition of the present invention with respect to Group V would be co-extensive with a search directed towards the methods of using the composition of Groups I – IV and, therefore, would not pose an undue burden on the Examiner. Restriction is therefore improper and Applicants respectfully assert that all of the claims of the present application should be examined on the merits at this time. Thus, the Examiner's reconsideration and withdrawal of the restriction requirement are respectfully requested.

Further, with the present amendment, claims 18-20 and 24 now depend from independent claim 31 of Group V and are also directed to the composition of the present invention. As such, claims 18-20, 24 and 31-32 should now be deemed to fall within Group V. Applicants provisionally elect the claims of Group V for initial examination.

In view of the foregoing, withdrawal of the restriction requirement between Groups I - V is respectfully requested. Applicants reserve their right to request rejoinder of the non-elected method claims of Groups I – IV, to file divisional application(s) or take such other appropriate measures as they deem necessary to protect the inventions lying within Groups I - IV.

Respectfully submitted,

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